UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/722,659	09/27/96	BENNETT D	104385.140

HM11/1210

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EXAMINER	
LUBET, M	
ART UNIT	**PAPER NUMBER**
1644	

DATE MAILED: 12/10/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.	Applicant(s)
08/722,659	Bennett et al.
Examiner	**Group Art Unit**
Lubet	1644

THE PERIOD FOR RESPONSE: [check only a) or b)]

a) ☐ expires _____ months from the mailing date of the final rejection.

b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on *Nov 23, 1998* (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on *Nov 23, 1998* has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

☐ they raise new issues that would require further consideration and/or search. (See note below).

☐ they raise the issue of new matter. (See note below).

☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: *see attached sheet*

☒ Applicant's response has overcome the following rejection(s):

The 112 second rejection set forth in in paragraph 6E of office action mailed 5-22-98 is withdrawn.

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: *1-7*

☐ The proposed drawing correction filed on _____ ☐has ☐has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____.

☒ Other *see attached sheet*

THOMAS M. CUNNINGHAM
PRIMARY EXAMINER
GROUP 1800

Attachment to advisory action in response to after final filed Nov. 23, 1998

As noted by attachment the declaration pursuant to 37 CFR 1.131 is defective because D. Clark Bennett has not signed the 1.131 declaration. When the defect is corrected, the declaration is sufficient to establish that the invention was conceived and reduced to practice prior to the publication of Gilat et al (1995), Gilat et al (1994), Hoogewerf et al (1995) and Lider et al. (1995). Examiner has considered Applicant's arguments on pages 8-9 of after final filed Nov. 23, 1998. These arguments are not persuasive. However, the rejection under 103(a) will be maintained since the remaining cited art teaches a method of decreasing localized inflammatory responses by administering heparinase.

Applicant's response to 112, first paragraph rejection set forth in the previous office action has been considered but is not persuasive for the reasons of record. Luster et al. teaches that inflammatory responses are mediated by a variety of different chemokines and does not help to establish that because administration of heparinase decreases inflammation cause by ischemia it would be expected to decrease inflammatory process mediated by different cytokines and infiltrating cells as is broadly claimed.

Applicant may wish to address the 112, first and 103(a) rejections by limiting the claims to a method of treating ischemia.

TC

THOMAS M. CUNNINGHAM
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